

JC06 Rec'd PCT/PTO 07 SEP 2005

PTO-1390 (Rev. 07-2005)

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TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 3081.110US01
INTERNATIONAL APPLICATION NO. PCT/EP2003/009345	INTERNATIONAL FILING DATE 22 August 2003	U.S. APPLICATION NO. (If known, see 37 CFR 1.5) 10/525,424
PRIORITY DATE CLAIMED 23 August 2002		
TITLE OF INVENTION APPARATUS AND METHOD FOR MEASURING AN OPTICAL BREAK-THROUGH IN TISSUE		
APPLICANT(S) FOR DO/EO/US Dirk MUHLHOFF, Michael KEMPE, Markus STREHLE, Mario GERLACH, Markus STICKER, Mark BISCHOFF, Manfred DICK, Michael BERGT		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a FIRST submission of items concerning a submission under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a submission under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> has been communicated by the International Bureau. c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US). </p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> a. <input type="checkbox"/> is attached hereto. b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). </p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau). b. <input type="checkbox"/> have been communicated by the International Bureau. c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. d. <input type="checkbox"/> have not been made and will not be made. </p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<p>Items 11 to 20 below concern document(s) or information included:</p> <p>11. <input checked="" type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98.</p> <p>12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input type="checkbox"/> A preliminary amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821- 1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published International Application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p>		

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/525,424	INTERNATIONAL APPLICATION NO. PCT/EP2003/009345	ATTORNEY'S DOCKET NUMBER 3081.110US01
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20. Other items or information:

Copy of Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office; PTO Form 1449 and copies of 2 cited references; Return Postcard.

The following fees have been submitted			CALCULATIONS	PTO USE ONLY
21. <input type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300			\$	
22. <input type="checkbox"/> Examination fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US or the international preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200			\$	
23. <input type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion of the ISA/US or the International preliminary examination report prepared by IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided to the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500			\$	
TOTAL OF 21, 22 and 23 =				
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821(c) or (e) or computer program listing in an electronic medium) (37 CFR 1.492(j)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.				
Total Sheets	Extra Sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE	
- 100 =	/50 =		x \$250	\$
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).			\$ 130.00	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$
Total claims	- 20 =		x \$ 50	\$
Independent claims	- 3 =		x \$200	\$
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$
TOTAL OF ABOVE CALCULATIONS =			\$ 130.00	
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by ½.				
			SUBTOTAL =	\$ 130.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).			+	\$
			TOTAL NATIONAL FEE =	\$ 130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property			+	\$
			TOTAL FEES ENCLOSED =	\$ 130.00
09/13/2005 GFRFY1 00000124 1052542A			Amount to be refunded:	\$
01 C:1617 130.00 NP			Amount to be charged	\$

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

- a. A check in the amount of \$ 130.00 to cover the above fees is enclosed.
- b. Please charge my Deposit Account No. _____ in the amount of \$ _____ to cover the above fees.
A duplicate copy of this sheet is enclosed.
- c. The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 16-0631. A duplicate copy of this sheet is enclosed.
- d. Fees are to be charged to a credit card. **WARNING:** Information on this form may become public. **Credit card information should not be included on this form.** Provide credit card information and authorization on PTO-2038.

NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.

SEND ALL CORRESPONDENCE TO:

Douglas J. CHRISTENSEN
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center
80 South 8th Street
Minneapolis, Minnesota 55402


SIGNATURE

Douglas J. Christensen

NAME

35,480

REGISTRATION NUMBER

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of: Dirk Muhlhoff et al.

Attorney Docket No.: 3081.110US01

Application No.: 10/525,424

Confirmation No.: 5768

Filed: February 23, 2005

For: DEVICE AND METHOD FOR MEASURING AN OPTICAL BREAK-THROUGH IN A
TISSUESUBMISSION OF DOCUMENTS

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Enclosed for filing in the above-identified application are the following documents:

1. Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371;
2. Copy of Notice of Missing Requirements;
3. Declaration and Power of Attorney for Patent Application;
4. Information Disclosure Statement, PTO Form 1449 and two cited references;
5. Check in the amount of \$130.00; and
6. Return receipt postcard.

The Commissioner is authorized to charge to Deposit Account No. 16-0631 any underpayments, overpayments or additionally required fees.

Respectfully submitted,


Douglas J. Christensen
Registration No. 35,480

Customer No. 24113
Patterson, Thuente, Skaar & Christensen, P.A.
4800 IDS Center, 80 South 8th Street
Minneapolis, Minnesota 55402-2100
Telephone: (612) 349-3001

Please grant any extension of time necessary for entry; charge any fee due to Deposit Account No. 16-0631.

CERTIFICATE OF EXPRESS MAIL

Express Mail Label No.: EV61692110SUS
Date of Deposit: 07 September 2005

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313.

Doris Whitcomb
Name of Person Making Deposit


Signature



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/525,424	Dirk Muhlhoff	3081.110US01

Douglas J Christensen
 Patterson Thuente Skaar & Christensen
 4800 IDS Center
 80 South 8th Street
 Minneapolis, MN 55402-2100

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DOCKETING

JUL 18 2005

PATTERSON, THUENTE, SKAAR
& CHRISTENSEN, P.A.

INTERNATIONAL APPLICATION NO.

PCT/EP03/09345

IA. FILING DATE	PRIORITY DATE
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08/22/2003 08/23/2002

CONFIRMATION NO. 5768
371 FORMALITIES LETTER



OC00000016526053

Date Mailed: 07/14/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 02/23/2005
- English Translation of the IA filed on 02/23/2005
- Copy of the International Search Report filed on 02/23/2005 Missing Requirements due 9.14.05
- Preliminary Amendments filed on 02/23/2005
- Information Disclosure Statements filed on 02/23/2005
- U.S. Basic National Fees filed on 02/23/2005
- Priority Documents filed on 02/23/2005

Per 1 month extension 10.14.05
 Per 2 month extension 11.14.05
 Per 3 month extension 12.14.05
 Per 4 month extension 1.14.06
 Per 5th & final extension 2.14.06

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$130 for a Large Entity:

- \$130 Late oath or declaration Surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

Docketing Review Yll

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

A copy of this notice MUST be returned with the response.

WINSTON M ALVARADO

Telephone: (703) 308-9140 EXT 206

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/525,424	PCT/EP03/09345	3081.110US01

FORM PCT/DO/EO/905 (371 Formalities Notice)